



**MINUTES OF THE GILA COUNTY
PLANNING AND ZONING COMMISSION**

Thursday, January 19, 2017

GILA COUNTY BOARD OF SUPERVISORS CONFERENCE ROOM

610 E Highway 260, Payson, AZ

10:00 am

REGULAR MEETING

1. The meeting was called to order at 10:01 a.m. by Chairman Mickie Nye.
2. Pledge of Allegiance was led by Chairman Mickie Nye.
3. Roll Call: Therese Berumen called the roll; Chairman Mickie Nye (in Payson), Vice-Chairman Ray Jones (in Payson), Mary Lou Myers (in Payson), Kurtis Knauss (in Globe), and Travis Williams (in Globe via phone). Randy Slapnicka and Travis Holder are absent. A quorum is present.

Community Development Staff Members Present: Robert Gould-Planner, Margie Chapman-Code Compliance Supervisor/Zoning Assistant, Scott Buzan-Interim Director and Building Official, and Therese Berumen-Administrative Assistant.

4. Review and Approval of Minutes of the Planning and Zoning Commission Hearing on November 17, 2016. Mickie Nye asked if there were any changes needed. None needed. Kurtis Knauss motioned that the minutes be approved as is and Mary Lou Myers seconded the motion. It was unanimously approved.
5. Election of Officers: Ray Jones motioned to elect Mary Lou Meyers as Vice Chairman. Kurtis Knauss seconded the motion. Mary Lou Myers motioned that Mickie Nye stay as Chairman. Kurtis Knauss seconded the motion.
6. **Planner/Commission Communication:** At any time during this meeting of the Planning and Zoning Commission and Planner Bob Gould of Community Development may present a brief summary of current events. No action may be taken.

Ray Jones informed the members that, as of this day, he would be resigning from the Planning and Zoning Commission. Chairman Mickie Nye opened up the floor to Bob Gould. Bob first stated that he and the rest of the commission members would miss Ray Jones and hates to see him go. Secondly, Bob brought up the issue concerning electric fences. Stating that he brought a handout from the Planning Advisory Service that he wanted everyone to have and look at. His suggestion is to delete all the fence references everywhere in the code, believing there are 13 or 14 different places it is located and just put it under general stipulations and revisions. Also stating to leave it the same as it is right now, except for not permitting them in residential areas, agricultural being exempt of course. Mary Lou Myers stating her concern is not allowing them in residential areas because she knows of several places in the Pine/Strawberry area that have them to keep elk out. Bob Gould clarifying that his main concern is in residential neighborhoods, but not quite sure on how to word it. Mickie Nye stating that he needed to be educated more on the topic because he also knows a lot of property owners who use electric fences to keep their pets

in their own yard. Kurtis Knauss stated that he agrees with Bob on the agricultural aspect and also thinks there should be a provision for livestock pets, such as 4H. Stating maybe there needs to be an exclusion stating they can't be used to keep people out and that they have to be installed exactly by the manufacture's recommendations and be low voltage.

INFORMATION/DISCUSSION/ACTION

7. **Conditional Use Permit Application (CUP-16-01):** Bob Gould stating that he has never used the Conditional Use Permit (CUP) approach for this sort of matter, but feels that is a legitimate approach because financing is already in place. Quoting the section out of the Gila County Zoning Ordinance, under Conditional Use Permits, "conditional uses are those uses, which although not specifically permitted in a given zoning district, would become harmonious or compatible with neighboring uses through the application and maintenance of qualifying conditions." All the properties surrounding these 3 lots are currently residentially developed. As in my staff report, I recommend we approve the CUP, to allow the manufactured homes be placed on C3 (Commercial) property, with a couple of issues I would like to see addressed. The first issue being that this is publically acknowledged that it is understood this is C3 zoning and other C3 uses can come in, in the future. The second issue being that there needs to be an easement connecting all 3 parcels. Looking at the Record of Survey, it states only for access, it needs to be amended to state they are able to get utilities to all those lots. Mickie Nye asked if there was one road for all the properties. Bob Gould stated that there was only an easement, not a road. Also stating that of course, one of the parcels has access to a road, but only that one. Kurtis Knauss asked if this CUP was approved, if there would be any issues, in the future, with mortgages that will affect this. Bob restated that this is not a concern here because they have already gotten their financing. Also stating that if they hadn't obtained their financing already, the CUP process wouldn't have been appropriate at all. Would have had to go through the rezoning process. Kurtis Knauss clarified, saying he meant, if they were ever going to resale those properties in the future. Bob Gould said, yes, that could be a problem. Mickie Nye asked Bob Gould if they removed the manufactured home and wanted to put up a site build home, if that would be a problem. Bob Gould said, yes it would. Kurtis Knauss asked if we knew what the intent was to putting the mobile homes there. Bob Gould stating he thinks it is for investment purposes, but wasn't sure. Ms. Sandra Ramos spoke up and stated that they plan to make it a residence, which they were going to live there.

The meeting was open to public comment. Chris Goss (one of the future parcel owners and Sandra Ramos' son-in-law) and Sandra Ramos (another future parcel owner) stated they were looking to buy the property from Manny and Mary Casillas, to put manufactured homes on the parcels, to reside. Ms. Sandra Ramos also stated that her sister plans on buying the third parcel. Mickie Nye asked how she was related to the Casillas'. Michelle Yerkovich (Manny and Mary Casillas' daughter) spoke up saying she was their daughter and that she also works at Kachina Properties as the listing agent for her parent's land. Said she understood that the land is zoned commercial right now and that they were there to see if they could place mobile homes there to live. Michelle stated that her parent's owned the lots above as well and sold them as mobile home lots, so they just assumed they could with these as well. Bob stated that the lots above are zoned for mobile homes. Mickie Nye asked if Michelle could let her parents know that if the mobile homes are removed from the land that they will have to do this whole process over again. Michelle stated that her parents are selling the property to Ms. Sandra Ramos and that they are in escrow. Ms. Sandra Ramos asked if they could do this as a permanent residential area. Bob

stated that he was led to believe that they already had their financing. Ms. Sandra Ramos said they do. Michelle Yerkovich wanting to make everything clear, states that her parents had the property listed for sale, the Ramos family are buying it and wanting to put mobile homes on it and have already obtained the financing, and the title company is not going to let it close until they know it is ok for mobile homes to be on the property. Also stating that this was the final step. Travis Williams had a few questions. His first question was that he hears manufactured home and mobile home. He wanted clarification that they were talking about manufactured homes. They stated yes, manufactured homes that would be set in place. His other question was about the financing. Asking if that was going to be a concern in the future if it ever gets sold. Ms. Sandra Ramos said the finance company won't finance if it is zoned C3. Travis Williams asked Ms. Sandra if she wanted to change this from a CUP to a rezoning and she stated yes she would, if possible. Bob stated that we would have to do a whole other process to get that done. Ms. Sandra stated that Bob did indeed tell her that, but to help her out, doing a CUP to get her through the process quicker, until they could do a rezoning. Bob stated that taking the route of doing a CUP is perfectly ok here, but the commission members are correct; that if down the road, they want to sell these properties; the new owners could have difficulties obtaining financing because of the zoning. Michelle Yerkovich stated that she thought this was a rezoning. Bob stated that this doesn't solve all your (Sandra Ramos) problems and he thought he made that clear. Mickie Nye asked Bob if they could approve the CUP and have the rezoning on the next month's agenda. Bob said, sure we could do that. Stating he wasn't sure we could get it on next month's agenda, but definitely March. Michelle Yerkovich asked if we could please get it on next month's agenda because they are trying to close. Bob asked if they could still close with the CUP being approved. Michelle stated no, they couldn't. Bob asked, "Why are we going through this CUP then?" Bob stating that he was confused and Ms. Sandra Ramos stating they were all confused. Bob stated again, we talked about rezoning and the only reason he mentioned and decided on the CUP was because he was told that the financing was already in place. Michelle Yerkovich stated she is only the listing agent, not the selling agent, so she isn't sure where they are in that process. What I am thinking they are saying is that their loan cannot be approved until the land is not commercially zoned. It needs to be residentially zoned because the land is attached to your trailer in the loan package. Bob stated that should have been mentioned in the beginning. Michelle stated that was probably a lack of terminology on the realtors part and that the selling realtor should have spoken to you (Bob). Bob stated they could approve CUP and then get rezoning on agenda in the next few months. Mickie Nye asked Bob if we could get it on February's agenda. Bob stating he wasn't sure if he would be able to because of his schedule and timeframe for posting it in the paper. Mary Lou stated they could push the Planning and Zoning meeting back a week. Bob stated that what they could do is take no action on the CUP today and not make a decision, put the money that was paid on CUP towards the rezoning fee and he would get back with them on a timeline for the meeting for the rezoning application. Mickie stated that the feeling he gets from Payson (emotional) feeling, that they aren't going anywhere with the CUP. He wants to do it right and make sure it is done one time. Also willing to do anything they can do to make this happen for them. Ms. Sandy Ramos and Michelle Yerkovich thanked Mickie very much and said they appreciated it. Michelle apologized and said she feels like she dropped the ball. That she should have been the one talking to Bob, not Sandy. Chris Goss asked what the likeability was of the rezoning going through. Bob responded with the process of the rezoning. Stating that it will go before the commission and then the commission will make a recommendation to the Board of Supervisors. He also stated that he doesn't think it will be a problem because he has already done a couple in that area. Mickie also stating that it will roughly go before the Board of Supervisors 2 weeks after their meeting. So, they are looking at

5-6 weeks, at least. Mickie asked Bob if they should just table it. Bob said, he would take no action period. Ms. Sandra Ramos asked Bob if it would cost more and Bob said yes it would. Kurtis Knauss stated that the week following the regular held meeting in February, he wouldn't be able to attend because he will be out of town, but he could possibly make the week after. He also stated that he could possibly do an alternative day, such as a Monday or Friday. Mickie stated they could make any day or in the evening work. Kurtis Knauss and Travis Williams stated they both plan to vacate their positions and will stay on as long as it takes for Supervisor Humphrey to find replacements. Mickie stated that he appreciated their time and all their hard work. Also stating that he knows the supervisors are actively seeking replacements. Mickie mentioning to Bob that Terry Otts was in the meeting because he wanted to join the commission. Bob stated that he would get with Terry.

8. **Adjournment.** Mary Lou Myers made a motion to adjourn the meeting and Kurtis Knauss and Ray Jones seconded the motion. The motion to adjourn was unanimously approved at 10:33 a.m.